

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SUNNI KHALID,

Plaintiff,

v.

Civil Action No. 97cv00291 (RCL/JMF)

NATIONAL PUBLIC RADIO, INC., et al.,

Defendants.

MEMORANDUM ORDER

Plaintiff is an African American who complains of racial discrimination. Defendant, National Public Radio ("NPR"), has performed certain utilization analyses that indicate the number of women and minorities in various position and a statistical analysis of how that number compares to certain populations.

In an earlier order I indicated that I would perform an *in camera* review of the utilization analyses previously submitted by NPR. In my order of April 10, 2000 I indicated that:

The Court will then redact those portions of the analyses which discuss the studies' results and conclusions. Those portions which explain the methodology used by NPR, including their choice of comparators, will not be redacted and will be provided to plaintiff.

Memorandum Order at 3 (April 10, 2000).

After I completed the redactions, I made them available to NPR, who protested that I had not redacted from the analyses the portions pertaining to categories other than African Americans. I expressed my concern that, unless plaintiff got the data pertaining to all minorities and all positions, any

expert plaintiff retained would not be able to complete a legitimate statistical analysis. Since I could not pretend any expertise in the area of statistical analysis, I ordered NPR to justify its redactions as follows:

The documents I intend to give plaintiff are ready for inspection by NPR's counsel who will have 10 days to examine them. If NPR still believes that I should further redact the documents, they will have to file a written opposition, supported by a declaration from an expert opining that plaintiff's expert witness can perform the anticipated analysis even though plaintiff's expert will have less than all the data. NPR will file any such opposition by February 8, 2002. Plaintiff may respond thereto by February 22, 2002. If, on the other hand, NPR does not intend to oppose my providing the documents in their present form to plaintiff, NPR shall file a praecipe to that effect by February 8, 2002.

Order at 2 (filed January 28, 2002).

NPR complied with the order and provided me with the expert opinion of statistician that the redactions NPR sought would still yield sufficient information to do a valid statistical analysis, supporting a claim of racial discrimination.

As just indicated, plaintiff had until February 22, 2002 to file any opposition to NPR's filing but never did so. The opinion of the NPR expert, therefore, stands uncontradicted. I will accept and make the redactions NPR has requested. The utilization analyses as redacted are attached to this

Memorandum Order

SO ORDERED

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

Dated: